

REMARKSStatus of the Claims

Claims 2-51 are pending in this application. No claims have been canceled, added or amended. Claims 4-19 and 42-46 are indicated as being allowable. Claims 2, 3, 20-41 and 47-51 remain rejected. Applicants submit the following arguments in support of the patentability of claims 2, 3, 20-41 and 47-51.

Rejections under 35 USC 103(a)

The Examiner rejects claims 2 and 41 as obvious over EP 974,617 (EO '617) in view of Bordner et al. USP 3,624,964 (Bordner '964). Applicants traverse the rejection and respectfully request the withdrawal thereof.

The present invention of claim 2 is directed to a foamed laminate based on olefin in which a substrate layer, consisting of a foamed body (X_F) of an olefinic thermoplastic elastomer (X), and a skin layer made of the resin or the thermoplastic elastomer composition given below are laminated; Y: an ultrahigh molecular weight polyolefin resin having an intrinsic viscosity (η) of 3.5 - 8.3 dl/g as determined in decalin at 135 °C; Z: an olefinic thermoplastic elastomer composition which comprises, per 100 parts by weight of an olefinic thermoplastic elastomer (C), at least one kind of lubricant (Z_L) selected from the group consisting of 0.5 - 25 parts by weight of an organopolysiloxane (D), 0.5 - 10 parts by

weight of a fluorine-containing polymer (E), 0.5 - 10 parts by weight of an antistatic agent (F), 5 - 200 parts by weight of a polyolefin resin (G), 0.01 - 5 parts by weight of a fatty acid amide, 0.01 - 5 parts by weight of a metal soap, 0.01 - 5 parts by weight of an ester, 0.01 - 5 parts by weight of calcium carbonate and 0.01 - 5 parts by weight of a silicate, each in a proportion as given above.

The olefinic polymer of the present invention permits recycled use and is obtainable at a high foaming expansion ratio. The invention has a soft touch and a superior appearance. The invention also has the following superior properties: resistance to abrasion, durability and sliding performance. In particular, the invention is superior in the resistance to abrasion under difficult conditions, so that the foamed laminate based on olefin according to the present invention can be used favorably, for example, for sliding parts, weather strips for automotive and architectural seal elements.

EP '617 discloses a substrate layer of laminate made of a thermoplastic elastomer. EP '617 fails to disclose or suggest a "foamed body" substrate layer, which is made of "an olefinic thermoplastic elastomer composition".

Bordner '964 discloses a glass run channel composed of a foamed core and a skin layer. Bordner '964 at best teaches thermoplastic elastomer based on polyurethane for the foamed core.

Use of an olefinic thermoplastic elastomer composition as the substrate layer as in the present invention is not taught or suggested in Bordner '964. Bordner '964 completely fails to disclose or suggest a "foamed body" substrate layer, which is made of "an olefinic thermoplastic elastomer composition".

As such, Applicants submit that no prima facie case of obviousness has been established with respect to claims 2 and 41 over the combination of EP '617 and Bordner '964. Neither EP '617 nor Bordner '964 discloses or suggests a "foamed body" substrate layer, which is made of "an olefinic thermoplastic elastomer composition". Since all the elements of the present invention are neither disclosed nor suggested by the combination of cited art, Applicants respectfully request that the rejection be withdrawn.

The Examiner rejects claim 3 as obvious over EP '617 in view of Bordner '964 and further in view of Yoshida et al. USP 6,500,561 (Yoshida '561). Applicants traverse the rejection and respectfully request the withdrawal thereof.

Since claim 3 depends from claim 2, Applicants rely on the arguments above regarding EP '617 and Bordner '964 as applied to the rejection of claim 2.

Yoshida '561 discloses an MFR value at column 3, lines 25-26. However, Applicants submit that this MFR value only refers to the (A)-component constituting only 5-15 wt.% of the total composition, but not the elastomer. (See, claim 1 in Yoshida '561). As such,

Applicants submit that even if Yoshida '561 suggests MFR values for olefin resin as a factor for selecting components, it is impossible to predict or arrive at the present invention because Yoshida '561 fails to compensate for the deficiencies in EP '617 and Bordner '964 as stated above.

As such, Applicants submit that no prima facie case of obviousness has been established because the combination of cited references fails to disclose or suggest all the elements of the invention of claim 3. As such, Applicants respectfully request that the rejection be withdrawn.

The Examiner also rejects claims 20-40 and 47-51 as obvious over EP '617 in view of Yorita et al. UPS 6,303,666 (Yorita '666). Applicants traverse the rejection and respectfully request the withdrawal thereof.

Applicants submit that Yorita '666 is only prior art under 103(c). Inasmuch as Yorita '666 was owned by Mitsui Chemicals at the time the present invention was made, Applicants submit that Yorita '666 is removed as prior art. As such, this rejection should be withdrawn.

Furthermore, Applicants submit that the present invention is also distinguished from the published Japanese priority applications of Yorita '666. Assuming that JP 10-216195 and JP 11-028072 have the same disclosure as Yorita '666, Applicants submit

that the present invention is distinguished from the combination of EP '617 and these applications.

The subject matter of the rejected claims was based on an unexpected discovery of a superior property, namely superior abrasion resistance and maintenance of an excellent soft touch at a high expansion ratio when producing the foamed product.

On the other hand, the disclosure of the Japanese applications is directed to a foamed product superior in flexibility, heat resistance and surface resistance to abrasion and better sliding performance. Although, the olefinic thermoplastic elastomer composition and foamed body are disclosed, the subject matter of the Japanese applications concerns the use of carbon dioxide gas for producing the foamed olefinic elastomer product.

The Japanese applications neither disclose nor suggest use of the foamed product for "glass run channel" nor is there any mention as to the "resistance to abrasion" and "sliding performance". As such, Applicants submit that no motivation exists for combining EP '617 and either of the Japanese applications to arrive at the present invention, particular since the applications fail to teach the desired characteristics of the product. Thus, no rejection should be made with regard to JP 10-216195 and JP 11-028072.

Conclusion


As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s):

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